

Applicants : Tove Ringerike et al.
U.S. Serial No.: 10/577,268
Filed : April 26, 2006, as §371 national stage of
PCT International Application No.
PCT/PL2004/000075
Page 2 of 3 : Communication and Petition for Three-Month
Extension of Time

REMARKS

Claims 1-9, 11-13, 15-16, and 24 are pending. Applicants have not amended, added, or canceled any claims herein.

Restriction Requirement Under PCT Rule 13.1

The March 31, 2009 Office Action requires restriction of the claims under PCT Rule 13.1 to one of the following two (2) groups:

- I. Claims 1-9, 11-13 and 15-16, drawn to a single-celled host and vector and an isolated nucleic acid molecule coding the expression box with the formula $S_1-S_2-S_3$; and
- II. Claim 24, drawn to a method of obtaining characteristics of the tested substance.

On page 2 of the March 31, 2009 Office Action, the Examiner alleged that the inventions listed as Groups I-II do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the European Search Report provides prior art over Frazer et al. (U.S. Application Publication No. 2002/132290) which anticipates the instant claim 1. Thus, the Examiner stated that the claims lack the same or corresponding special technical feature which is a contribution over the prior art.

Applicants' Response To Restriction Requirement

In response to the Examiner's restriction requirement, applicants elect, with traverse, Group I, i.e. claims 1-9, 11-13 and 15-16, drawn to a single-celled host and vector and an isolated nucleic acid molecule coding the expression box with the formula $S_1-S_2-S_3$. In addition, applicants elect the species SEQ ID NO:10, EL4 T-cells and the cell line EL/p1-5`IL2-dEGFP/6 for initial prosecution of the pending generic claims.

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Applicants note that the claims readable on the elected species are claims 1-9, 11, 13, and 16.

Accordingly, applicants look forward to examination of the pending claims in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the \$555.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Gary J. Gershik 7/29/02
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